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March 9, 2009

By Electronic Filing

The Honorable Thomas P. Griesa
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *US v. Jose Reyes-Rodriguez, Dkt. No. S2 04 CR 664 (TPG)*

Dear Judge Griesa:

This is to advise Your Honor that after further consultation with me, his assigned counsel in the above-captioned case, Mr. Jose Reyes-Rodriguez acknowledges that he does not qualify at this time for the protection of safety valve as per **18 U.S.C. §3553(f)** and **U.S.S.G. §5C1.2 (a) (1) – (5)**. For this reason, he will not go forward with the *Fatico* Hearing scheduled for this Wednesday, March 11, 2009 at 10 A.M. by giving sworn testimony. In an effort to give Mr. Reyes-Rodriguez every consideration under the law, the government will extend to him one last opportunity to convince it at a proffer meeting that he qualifies for this sentencing protection and thereby obviate the need for the Court to make this determination at a sentencing hearing. It is my understanding that after speaking with the government about Mr. Reyes-Rodriguez's decision not to go forward with the sentencing hearing, it desires a court conference this Wednesday in order that Mr. Reyes-Rodriguez acknowledge before Your Honor on the record that, based on his current disclosures to the government, he does not qualify for this sentencing protection.

If Your Honor has any questions about this matter, I can be reached immediately by cell-phone at (917) 751-5754.

Thank you.

Respectfully submitted,

s/ Richard Palma

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